

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Letter of Request from the)

IN RE:

Prosecution Department of)
Constanta Court of Law) MISC. NO. 3:04mc11
(Romania) for Assistance in)
the Criminal Matter of John)
Paul Pender, a/k/a John Paul)
Prender)

ORDER

Upon application of the United States, and upon review of the letter of request of February 26, 2003, from the Prosecution Department of the Constanta Court of Law seeking evidence for use in a judicial proceeding in Romania and the Court having fully considered this matter,

IT IS HEREBY ORDERED, pursuant to the authority conferred by 28 U.S.C. § 1782 and this Court's inherent authority, that Assistant United States Attorney James M. Sullivan is appointed as a Commissioner of this Court and is hereby directed to execute the letter of request as follows:

take such steps as are necessary, including issuance of commissioner's subpoenas to be served on persons within the jurisdiction of this Court, to collect the evidence requested;

provide notice with respect to the collection of evidence to those persons identified in the request as parties to whom notice should be given (and no notice to any other party shall be required);

adopt procedures to collect the evidence requested consistent with its use as evidence in a proceeding before a tribunal in Romania, which procedures maybe specified in the request or provided by the requesting court or authority or by a representative of Romania;


seek such further orders of this Court as may be necessary to execute this request; and

5. certify and submit the evidence collected to the Office of International Affairs, Criminal Division, United States Department of Justice, or as otherwise directed by that office for transmission to the requesting court or authority.

IT IS FURTHER ORDERED that, in collecting the evidence requested, the Commissioner may be accompanied by persons whose presence or participation is authorized by the Commissioner, including, without limitation, special agents of the Prosecution Department of the Constanta Court of Law and/or representatives of Romania.

This the 30th day of November, 2005.

Signed: November 30, 2005

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

